

# HOUSE BILL REPORT

## HB 1385

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**As Reported By House Committee On:**  
Transportation

**Title:** An act relating to restricting the use of automated traffic enforcement systems.

**Brief Description:** Regulating automated traffic enforcement systems.

**Sponsors:** Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin.

**Brief History:**

**Committee Activity:**

Transportation: 2/23/99, 3/2/99 [DPS].

**Brief Summary of Substitute Bill**

- Express authority is granted to local governments to authorize the use of automated traffic enforcement systems.
- Certain restrictions apply to the use of the systems.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; Fortunato; Haigh; Lovick; Morris; Murray; Ogden; Radcliff; Romero; Scott; Skinner and Wood.

**Minority Report:** Without recommendation. Signed by 10 members: Representatives Ericksen, Republican Vice Chair; G. Chandler; DeBolt; Hatfield; Hurst; McDonald; Mielke; Mitchell; Pflug and Schindler.

**Staff:** Kelly Simpson (786-7305).

**Background:**

Currently, no express statutory authority exists allowing local governments to use automated traffic enforcement systems, such as photo-radar, photo devices at stop lights, and photo devices at railroad crossings. However, some local governments in Washington are currently using these systems, namely the city of Vancouver and Clark County.

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### **Summary of Substitute Bill:**

Express statutory authority is granted to local governments to authorize the use of automated traffic enforcement systems. However, certain conditions apply when such systems are used. Pictures may only be taken of vehicles and vehicle plates, and no identifiable person may appear in the photos. Law enforcement agencies must give notice to the public that certain areas are monitored by automated traffic enforcement systems by placing signs in such areas.

When used on city and county roads or highways, the devices may only be used to enforce school and construction zone speeding, stop light violations, toll enforcement violations, railroad crossing violations, and in locations designated as a *serious traffic safety concern*.

When used on state and federal highways, the services may only be used to enforce school and construction zone speeding, toll enforcement violations, railroad crossing violations, and ramp metering violations.

When an automated traffic enforcement system is used, the notice of traffic infraction may be sent by mail to the registered owner of the vehicle. The registered owner is responsible for the infraction. The registered owner may sign an affidavit denying that he or she committed the infraction, but remains responsible until the person who committed the infraction settles it.

If the registered owner is a business or government entity, the infraction will be dismissed if the business or government entity mails to the issuing agency within 14 days the name and mailing address of the individual driving, renting, or leasing the vehicle when the infraction occurred. If the individual driving, renting, or leasing the vehicle at the time of the infraction is unknown, the business or government entity must sign an affidavit stating this, thereby relieving the business or government entity of any liability.

**Substitute Bill Compared to Original Bill:** Restrictions were added on the purposes for which automated traffic enforcement systems may be used. Registered owners, if a business or government entity, that did not commit the infraction are relieved of liability by mailing an affidavit within 14 days.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The bill regulates the use of automated traffic enforcement systems and balances law enforcement and privacy interests.

**Testimony Against:** None.

**Testified:** John Moffat, Traffic Safety Commission; Annette Sandberg, Washington State Patrol; Craig Hogman, Clark County Sheriff's Office; James Naramore, Clark County Sheriff's Office; Tim Schellberg, Clark County Sheriff's Office; Rick Jensen, U.S. Public Technology; and Rick and Lisa Ferrero, Mulvihill Electric.